

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:06CV243-01-MU

CLYDE R. HOEY, Jr.,)
)
Plaintiff,)
)
v.)
)
MECKLENBURG COUNTY JAIL,)
 et al.,)
)
Defendants.)

O R D E R

THIS MATTER comes before the Court for initial review of Plaintiff's Complaint filed pursuant to 42 U.S.C. § 1983, filed June 28, 2006.

In his Complaint Plaintiff alleges that while he was housed at the Mecklenburg County Jail he was required to sleep on the floor for six weeks. Plaintiff claims that this sleeping arrangement caused a bone in his neck to shift out of place and cause him pain. Plaintiff also complains that he was not permitted to file a grievance about this situation.¹ Plaintiff names the Mecklenburg County Jail as the defendant.

Plaintiff fails to state a claim against Mecklenburg County. In order to state a claim of municipal liability a Plaintiff must allege that his injury was caused by the execution of a municipal

¹ There is no constitutional right to participate in grievance proceedings. See Adams v. Rice, 40 F.3d 72, 75 (4th Cir. 1994), cert. denied, 514 U.S. 1022 (1995).

custom or policy. Monell v. Department of Social Services, 436 U.S. 658, 694 (1978). Plaintiff does not allege that he slept on the floor pursuant to a custom or policy. Consequently, Plaintiff fails to state a claim against the Mecklenburg County Jail.

IT IS THEREFORE ORDERED THAT Plaintiff's Complaint is dismissed.

Signed: June 28, 2006

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

